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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5047 OF 2024
IN
FIRST APPEAL NO.1991 OF 2017

Chandrasen Balbhim Patil

APPLICANT

VERSUS

The Executive Engineer, MPD Osmanabad & Ors RESPONDENTS

.....

Mr. Sanjay A. Wakure, Advocate for the applicants

Mr. D. J. Patil, AGP for respondent - State

Mr. M.N.Kalyane h/f Mr. G.B.Rajale, Advocate for respondent No.1

.....

AND

CIVIL APPLICATION NO. 5054 OF 2024
IN FA/2000/2017

AND

CIVIL APPLICATION NO. 5053 OF 2024
IN FA/1999/2017

AND

CIVIL APPLICATION NO. 5055 OF 2024
IN FA/1998/2017

AND

CIVIL APPLICATION NO. 5052 OF 2024
IN FA/1997/2017

AND

CIVIL APPLICATION NO. 5051 OF 2024
IN FA/1996/2017

AND

CIVIL APPLICATION NO. 5050 OF 2024
IN FA/1995/2017

AND

**CIVIL APPLICATION NO. 5049 OF 2024
IN FA/1994/2017**

AND

**CIVIL APPLICATION NO. 5048 OF 2024
IN FA/1993/2017**

AND

**CIVIL APPLICATION NO. 5056 OF 2024
IN FA/2001/2017**

AND

**CIVIL APPLICATION NO. 6415 OF 2024
IN FA/2818/2017**

AND

**CIVIL APPLICATION NO. 6421 OF 2024
IN FA/3364/2017**

AND

**CIVIL APPLICATION NO. 6424 OF 2024
IN FA/3360/2017**

AND

**CIVIL APPLICATION NO. 6423 OF 2024
IN FA/3361/2017**

AND

**CIVIL APPLICATION NO. 6425 OF 2024
IN FA/3363/2017**

AND

**CIVIL APPLICATION NO. 6417 OF 2024
IN FA/3362/2017**

AND

**CIVIL APPLICATION NO. 6422 OF 2024
IN FA/3365/2017**

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 18th OCTOBER, 2024

ORDER :

1. These are the applications for withdrawal of amount of compensation along with accrued interest and seeking direction to the acquiring body to deposit remaining 40% amount of compensation along with interest accrued thereon.
2. Learned advocate for acquiring body and learned AGP for the State opposed the applications.
3. Applicants were permitted to withdraw 75% amount of the 60% amount of compensation deposited by the acquiring body, vide order dated 20th November, 2019.
4. Learned advocate for the acquiring body submits that the Reference Court has enhanced the compensation by approximately 33 times and, therefore, the acquiring body was permitted to deposit 60% of the amount of compensation.
5. Taking into consideration the fact that the acquisition is of the year 2009 and for the reason stated in the applications, the applications are allowed. The applicants are permitted to withdraw the remaining amount out of the 60% amount deposited by the acquiring body, along with proportionate accrued interest, on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial).

6. Applications are disposed of on the above terms with liberty to the applicants to renew the prayer for direction to deposit remaining 40% amount in future.

[NITIN B. SURYAWANSHI]
JUDGE

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